

FILED 22 MAY '19 14:23 USDC-ORE

1 Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

# UNITED STATES DISTRICT COURT

for the

District of Oregon

Eugene Division

Gary Earl Wilson

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

State of Colorado

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

6:19-cv-799-MK  
(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☒ Yes ☐ No

## COMPLAINT FOR A CIVIL CASE

### I. The Parties to This Complaint

#### A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address

Gary Earl Wilson475 Lindale Drive, Apartment #132~~Eugene in Lane County~~ Springfield in Lake CountyOregon 97477541-206-1285

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**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 1

Name	State of Colorado
Job or Title ( <i>if known</i> )	Phil Weiser, Attorney General for the state of Colorado
Street Address	1300 Broadway, 10th floor, Carr Judicial Building
City and County	Denver in Denver County
State and Zip Code	Colorado, 80203
Telephone Number	(720) 508-6000
E-mail Address ( <i>if known</i> )	

Defendant No. 2

Name	
Job or Title ( <i>if known</i> )	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address ( <i>if known</i> )	

Defendant No. 3

Name	
Job or Title ( <i>if known</i> )	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address ( <i>if known</i> )	

Defendant No. 4

Name	
Job or Title ( <i>if known</i> )	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address ( <i>if known</i> )	

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## II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

### A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

(Brady Rule), (14<sup>th</sup> Amendment, rights guaranteed, due process clause), (5<sup>th</sup> Amendment, Due process), [(14-1468-Danny Birchfield, v. North Dakota) & (14-1470-William Robert Bernard v. Minnesota); June 23, 2016, blood test ruling by the U.S. Supreme Court], Rule 16, and the 11<sup>th</sup> Amendment

### B. If the Basis for Jurisdiction Is Diversity of Citizenship

#### 1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, *(name)* \_\_\_\_\_, is a citizen of State of *(name)* \_\_\_\_\_.

b. If the plaintiff is a

The plaintiff, *(name)* \_\_\_\_\_, is incorporated under the laws of the State of *(name)* \_\_\_\_\_.

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and has its principal

\_\_\_\_\_

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

2. The Defendant(s)

a. If the defendant is  
an individual

The defendant, (name) \_\_\_\_\_, is a citizen of  
the State of (name) \_\_\_\_\_. Or is a citizen of  
(foreign nation) \_\_\_\_\_.

b. If the defendant is a

The defendant, (name) \_\_\_\_\_, is incorporated  
the laws of the State of (name) \_\_\_\_\_, and has  
principal place of business in the State of (name) \_\_\_\_\_  
Or is incorporated under the laws of (foreign nation) \_\_\_\_\_  
and has its principal place of business in (name) \_\_\_\_\_

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy

The amount in  
controversy—the amount the plaintiff claims the  
defendant owes or the amount at  
stake—is more than \$75,000, not counting  
interest and costs of court, because (explain):

\_\_\_\_\_

**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

This all started a little over 25 years ago in Loveland, Colorado at approximately 11:09 PM on 01/09/1993. I was stopped after being followed for over a half a mile for a light that was out on my license plate. They pulled me over and there were two police officers present. One officer gave me a field sobriety test, which I passed and a field breathalyzer which I passed. The other Officer found a small leather pouch under my seat that contained a small amount of Marijuana, (2-3 grams). They then decided to take me to the police station in Loveland where they gave me another breathalyzer test with a large machine, which they never told me of my results. Also they drew my blood for a test on Marijuana in my system, this is without my consent, and the test was done by a police officer not as the Colorado codes say that a trained EMT or Medical professional should be the only ones permitted to take blood tests.

I went to Court on 3/19/1993 and met with the District Attorney for Larimer County in Loveland, Colorado. At that time the District Attorney informed me that I had a substantial amount of THC in my blood, as a result of the illegal test they gave me, but he never gave me the official results of the blood test or my breathalyzer test from the machine at the police station. I was ready to plead guilty and get on with my life as I had no lawyer and did not want the expense of getting one. After a few minutes of thinking about it I decided not to plea and had the case continued. On 9/22/93. I went to Larimer County Court again and I had previously told the District Attorney that I had a job waiting for me in Las Vegas and wanted the possession of Marijuana off my record due to the fact that I was a Construction Inspector and Geologist on jobs that included City, State, and Federal Jobs and did not want this to be a possible barrier for getting work. Before the trial the District Attorney pulled me into a small side office and said to me that he understood that I had a Job waiting for me and that I did not want possession of Marijuana on my record. The District Attorney then said that if I plead no contest to the Driving under the influence of drugs that he would not charge me for the marijuana and that they would not take my driving privilege away. I plead no contest and did not realize that by pleading guilty which I did would result years later on a hold on my driving privileges. During these court proceedings they never gave me the results of my blood test or my Machine Breathalyzer test. I was Pro Se and it should have been given to me before trial, this was not done. I did not find out until 2017 when I had gotten a copy of the Court documents which showed that no blood test was shown and or had been taken and that I had an alcohol content or BAC of .042 below the limit .05 the lowest limit for driving under the influence.



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**IV. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

I had left Colorado for Nevada then went to California where I had an exceptional driving record and then in 2008 I went to renew my California Driver's license and was told that I had a hold on my driver's license from Colorado. This put a major blow to my career since I lost my license, I am a Geologist and require a driver's license for my occupation which is driving to sometimes very remote sites for Geological assessments, therefore my career was destroyed and my retirement savings suffered greatly. This hold is due to an Interstate compact that allows states to put a hold on your driving license which carries to all states thus I can not obtain a drivers license in any state without completing a 2 year drug and alcohol class which I should not have to take for I was innocent of the charge. I had a previous misdemeanor charge of driving impaired two years prior which I completed all requirements of the court. This offense would be off my record because Colorado had not entered the compact yet, but because the second one, which is the one that was done unconstitutionally was within the Colorado time of joining the compact and thus the first one counted due to the fact it was within two years of the second one. If I get another driving under the influence charge it is a major felony and jail time. Realize these are the only two things on my record and my BAC on the first one was not tremendously high, I am not a habitual offender, these are over 25 years ago. There is no statute of limitations for these offenses and these stay on your record for ever

This miscarriage of justice and unconstitutional action has cost me my career and much money for retirement and has stopped me from pursuing my profession and pursuit of my happiness. Thus I am suing the State of Colorado for the sum of 5 Million Dollars for financial loss and emotional distress for punitive damages to my career and my livelihood in pursuit of happiness and helping the USA recover or prevent Geological disasters or find the minerals and energy supplies needed for the future.

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## V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: MAY 22, 2019

Signature of Plaintiff

Printed Name of Plaintiff

Gary E. Wilson  
GARY E. WILSON

### B. For Attorneys

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address